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Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS). Subsequently, the Security Council, at its informal consultations on 8 July 2002, requested me to submit a written report every six months.

2. The present report covers developments in the country since my previous report of 13 June 2002 (S/2002/662), and highlights the role of UNOGBIS in support of the post-conflict peace-building process.

II. Political developments

3. During the period under review, the constitutional impasse I described in my last report has, regrettably, persisted, generating in turn increased tensions among the various organs of government, especially between the executive, on the one hand, and the judiciary and the legislature on the other.

4. Tensions also deepened within the executive during the period, especially when the then Prime Minister, Alhamara N'Tchia Nhasse, publicly accused President Yalá of being the "sole person behind instability in the country". A crippling national confrontation was averted only after civil society leaders, military officers and my Representative in Guinea-Bissau worked with both leaders, who agreed to continue to cooperate in the national interest.

5. Meanwhile, several prominent opposition politicians as well as some journalists and civil society leaders known to be critical of government policies and practices have continued to complain of heightened harassment by security officials. President Yalá himself was criticized for contributing to this atmosphere of generalized apprehensions and tension when, on 24 September 2002, during the public celebration of the anniversary of the country's independence, he levelled strong personal criticism against a key opposition leader.

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6. It was against the background of this increasingly volatile political climate that the President, on 15 November 2002, following consultations with the National Assembly and the Council of State, dismissed the Government of Prime Minister Nhasse and dissolved Parliament, announcing at the same time early legislative elections within 90 days of the decree's official publication. He said he had acted within the framework of the Constitution because the prevailing situation, in his view, was indicative of a political, financial and economic crisis.

7. The major opposition parties did not dispute the President's move and, in a joint statement issued on 16 November 2002, supported his decision to bring forward legislative elections, which would normally have been held in November 2003. However, they called upon the international community to provide financial support, as well as large numbers of electoral observers, in order to ensure free and fair polls. They also pressed President Yalá to organize urgent elections for the posts of President and Vice-President of the Supreme Court of Justice, as he had promised on 31 October 2002.

8. President Yalá named Mario Pires as the new Prime Minister on 16 November. On 18 November, Prime Minister Pires announced the composition of a 20-member Cabinet, in which the Ministers of Finance, Health, Internal Administration and Justice had been retained. Dominated by the President's party, the Partido da Renovação Social (PRS), the new Government's political base is seen as greatly narrowed and as reflecting the President's determination to consolidate his grip on power.

9. Throughout the often challenging and hectic events during the period under review, my Representative remained in close consultation with a wide spectrum of political, civil society and religious leaders, urging them to exercise maximum restraint and to pursue dialogue in seeking a solution to the country's problems.

10. On a more positive note, relations between Guinea-Bissau and the Gambia have returned to normal after tensions developed in June 2002 over allegations by President Yalá that his opponents were preparing an attack from Gambian territory. The improvement in relations was facilitated by visits to the two countries, in July and August 2002, and to the Chairman of the Economic Community of West African States, President Wade of Senegal, by my Special Envoy, Ambassador James Victor Gbeho, whose efforts contributed to the restoration of direct bilateral cooperation between Guinea-Bissau and the Gambia.

11. Constructive cooperation with other African partners also continued to progress during the period, with President Ahmed Tejan Kabbah of Sierra Leone and President Joaquim Chissano of Mozambique visiting Guinea-Bissau in October and November respectively, and President Yalá travelling to the Libyan Arab Jamahiriya, Morocco, Guinea, Senegal and Togo in November, following a visit to the Gambia in September.

III. Military and security aspects

12. The general security situation has been affected by the overall political climate, leading to repeated reports of alleged coup plots. The military authorities have also, on several occasions, been called upon to mediate between the President

and the Prime Minister, and have repeatedly reaffirmed their loyalty to the democratic institutions of the Republic.

13. The demobilization phase of the Government's Programme of Demobilization, Reinsertion and Reintegration, administered by a multi-donor trust fund managed by the World Bank, has now ended. About 4,500 out of 16,000 ex-combatants and other military personnel who participated in this phase have been demobilized. Due to budgetary constraints, not every candidate who expressed interest was included in the programme.

14. The total cost of the programme is estimated at US$ 19.6 million. As the Government has yet to make its agreed contribution of $10.8 million, the World Bank has suggested that another World Bank project, the Private Sector Rehabilitation and Development Programme, be restructured to free some $5.2 million to help finance the reintegration and reinsertion phases of the programme.

15. As demining continues, 2,899 mines and 13,333 items of unexploded ordnance, including bombs, rockets, shells and grenades, have been destroyed, mainly at Ilondé, 15 kilometres west of Bissau. The National Commission for Humanitarian Demining (CNDH) now plans to give priority to the mapping and destruction of old and abandoned armouries and weapons storage facilities.

16. With financial support from the Government of the Netherlands, efforts have been initiated to set up an official mechanism to coordinate action to collect small arms, which continue to circulate within the civilian population, threatening public law and order.

IV. Human rights aspects

17. UNOGBIS has continued to maintain ongoing dialogue with the authorities, judicial organs, defence and security forces and members of civil society on the protection and promotion of human rights in Guinea-Bissau.

18. As a result of a general amnesty granted by President Yalá in June 2002, there are currently no political detainees in Guinea-Bissau. The Government has also ratified the International Labour Organization Worst Forms of Child Labour Convention and established, with support from the Office of the United Nations High Commissioner for Refugees, a National Refugee Commission.

19. Concern remains, however, over persistent reports of intimidation by security personnel of opposition political leaders, human rights activists and journalists, some of whom have been detained for brief periods for criticizing the President. Violence against women also remains largely unpunished.

20. Although donors have continued to provide material and financial support, the justice system continues to experience serious operational shortcomings, due in particular to logistic and capacity constraints. Consequently, military camps and police stations are being used as prisons and traditional leaders and police officers are resorting increasingly to an informal system of justice that is largely arbitrary and devoid of due process.

21. To help strengthen the capacity of state institutions to uphold the rule of law and promote respect for human rights, UNOGBIS, in partnership with the United Nations Development Programme (UNDP), organized a series of human rights

training seminars during the period. To that end, the training of trainers seminar held in Bissau from 29 to 31 July brought together 50 officers to prepare them to conduct training on respect for human rights among the military. A similar training exercise was conducted for 70 representatives of 30 women's organizations to sensitize women on the protection of their economic, social and cultural rights. From 15 to 17 August, a special human rights seminar was organized in the Gabú region for 70 participants, including the governors and military commanders of the eight administrative regions and 54 sector administrators, to enable them to integrate the human rights dimension into their daily work. From 16 to 19 September, UNOGBIS organized a seminar to train 65 magistrates and lawyers in the use of international human rights standards and principles related to impartial and independent trials. Another workshop, held from 10 to 13 September, was designed to provide 40 members of Parliament with the skills and technical expertise to improve their capacity in elaborating laws and harmonizing national legislation with international human rights law. The various human rights seminars were funded from the UNOGBIS Trust Fund and from financial support provided by the United States Agency for International Development.

V. Economic and social aspects

22. Guinea-Bissau's socio-economic situation remains critical, with rising levels of social tension due to widespread unemployment and months of unpaid salary arrears. Declining revenues from cashew nuts and fishery, the country's main income-generating sectors, have further decreased the Government's capacity to pay salaries and service the external debt.

23. In November 2002, review missions from the World Bank, the International Monetary Fund (IMF) and the West African Monetary Union visited the country with a view to exploring possibilities of providing urgent assistance to the Government to address some of its most immediate priorities.

24. According to the IMF mission, which plans to return in early 2003 for a further review, the Ministry of Economy and Finance has made good progress in improving detailed revenue and expenditure accounts, but it could benefit from assistance in the collection of macro-economic statistics, a review of the tax system and improvements in the external debt reporting system. The mission also urged the Government to complete the Poverty Reduction Strategy Paper at the earliest opportunity.

25. To promote dialogue between Guinea-Bissau and its main partners and to explore further ways of assisting the country in meeting its multiple peace-building challenges, UNOGBIS, in cooperation with UNDP, organized in Bissau, on 11 November 2002, a quadripartite consultation which was attended by government officials, representatives of seven bilateral donor countries and the United Nations system, including IMF, and members of the Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau, which visited Guinea-Bissau from 9 to 16 November. The meeting revealed, among other things, that in deciding whether or not to re-engage in Guinea-Bissau, donors would be looking for evidence of political stability and political will, as well as a development vision, and the demonstrated capacity to carry out development goals. The meeting also agreed that ways needed to be found to increase help to the people of Guinea-Bissau. To that

end, UNDP is working closely with the Government and development partners to finalize preparations for a new round table aimed at catalysing longer-term resources to enhance the Government's capacity to deliver on its development goals which, in turn, would contribute to building peace and stability in the country.

26. UNOGBIS, in cooperation with the other members of the United Nations country team, continues to assist the Government as it strives to meet its priority social challenges. To that end, the country team has focused great attention on alleviating the problems faced by women, *who* despite playing a central role at the family and community levels, continue to face gender bias restricting access to jobs, education, housing and other social services. In this connection, UNOGBIS has been working closely with the Government's Institute for Women and Children as well as with the Federation of Women of Guinea-Bissau, an NGO which brings together 15 women's organizations from across the country. United Nations agencies and programmes are also devoting priority support to children and to that end are providing school meals in the eight administrative regions and backing practical efforts to increase the enrolment of girls in school. The United Nations Population Fund is helping to set up a multi-functional centre for youth and adolescents in Bissau to, among other programmes, provide an opportunity for young people to acquire computer skills.

27. With regard to the food situation, domestic production of cereals is still insufficient to meet internal consumption needs and this year's rainfall deficit has significantly affected agricultural output. To help cover the shortfall, the World Food Programme, from January to October 2002, distributed nearly 3,000 metric tons of food to 114,497 beneficiaries.

VI. Observations

28. The political, economic and social situation in Guinea-Bissau continues to be of great concern. Although there has been no resort to violence and it is clear that the people of Guinea-Bissau, whatever their political convictions, are united in their desire for peace, I regret to report that political developments since my last report have not been encouraging. The Constitution has still not been promulgated and constant changes of ministers have contributed to the increasing instability in the country.

29. Following the President's decision in November to dissolve the National Assembly and to dismiss the Government of Prime Minister Nhasse, the new Government that has been put in place is essentially a caretaker administration, with little constitutional or operational capacity since the Assembly is in abeyance until after the elections and given the overall atmosphere of political and socio-economic tensions. Moreover, the judiciary remains weak and, because appointments to the Supreme Court have been made by presidential decree rather than by election from among the judges, the Court cannot be said to be independent.

30. Urgent action is therefore necessary to restore the checks and balances and separation of powers that are necessary in a democracy. I urge President Yalá to move purposefully towards the promulgation of the Constitution so that no institution may interpret constitutional provisions in its own interest or to its advantage. This is especially important at a time when the country is moving towards holding early legislative elections.

31. I believe the international community should respond favourably to any request the Government of Guinea-Bissau may make for assistance in organizing and holding the legislative elections. Such support would not only help ensure that the polling takes place in a transparent and fair manner, but also contribute to the consolidation of Guinea-Bissau's still fragile democracy.

32. I welcome the President's recent commitment to organize elections to the posts of President and Vice-President of the Supreme Court, and I hope they can take place with the minimum of delay. Because of the crucial role of the President of the Supreme Court in certifying and supervising elections, it is vital that elections to the Supreme Court be organized in advance of the legislative elections.

33. It is clear that Guinea-Bissau is in acute financial and economic difficulty. Encouragingly, IMF, noting some improvements in financial management, suggested some concrete steps that the Government and the international community might take together to help remedy the situation, despite the fact that agreement could not be reached between IMF and the Government on a formal programme. Given the urgency of the situation, it is evident that Guinea-Bissau needs short-term emergency aid as well as a clearly defined longer-term development strategy.

34. I welcome the work of the Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau, recently established at the request of the Government of Guinea-Bissau, as an innovative mechanism of cooperation between the Security Council and the Economic and Social Council on countries in a post-conflict peace-building phase. I hope that the report of the Group's recent mission to the country will provide the basis for a serious and constructive dialogue between Guinea-Bissau and the international community, with a view to solving the political, economic and development challenges confronting Guinea-Bissau.

35. Finally, I should like to pay tribute to my Representative, Mr. David Stephen, the staff of UNOGBIS and the United Nations country team for their dedicated contributions to the peace-building efforts of the Government and the people of Guinea-Bissau.